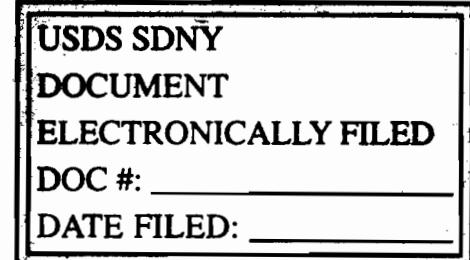


UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

BIOFUELS )  
OPERATING COMPANY, LLC, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 PARSONS & WHITTEMORE )  
 ENTERPRISE CORPORATION, )  
 )  
 Defendant. )  
 )

No. 07-CIV-8712



**NOTICE OF VOLUNTARY DISMISSAL**

Plaintiff BioFuels Operating Company, LLC hereby voluntarily dismisses this action without prejudice. This notice is filed pursuant to Fed. R. Civ. P. 41(a)(1)(i), as Parsons & Whittemore Enterprise Corporation, the adverse party in this matter, has not served an answer or motion for summary judgment.

Respectfully submitted,

BIOFUELS OPERATING COMPANY, LLC,

By its attorneys,

*Of counsel:*

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Dated: February 8, 2008

s/ David M. Burkoff \_\_\_\_\_  
David W. Bowker (DB-3029)  
David M. Burkoff (DB-9258)  
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399 Park Avenue  
New York, New York 10022  
(212) 230-8800

SO ORDERED  
KENNETH M. KARAS U.S.D.J.  
6/17/08